

forms furnished by the committee, information sufficient for the committee to establish that such grower is the grower for the acreage involved. It shall be the responsibility of the committee to determine by physical inspection or other means whether there is sufficient vine density as to qualify as "cranberry acreage" in accordance with paragraph (a) of this section. In making such determination, the committee shall be guided by standards of comparison between the potential bog and existing bogs in the same area.

(c) If the determination were that all or part of the acreage eligible under paragraph (a) of this section does not have sufficient vine coverage to produce 15 barrels per acre, that portion without sufficient vine coverage will not qualify as cranberry acreage under this section. In the event only a portion of an acreage has sufficient vine population and density to produce 15 barrels of cranberries per acre, such portion will qualify as cranberry acreage pursuant to this section. Since such qualified portion of the acreage would be eligible for a sales history, it must be definitely and permanently delineated.

(d) It shall be the responsibility of the grower to maintain adequate sales records to show actual sales from their cranberry acreage and submit such records to the committee separately from sales records pertaining to any other acreage. The report of sales must be filed by the grower no later than January 15 of the calendar year succeeding the crop year to which such sales pertain.

[59 FR 36023, July 15, 1994]

§ 929.109 Unusual circumstances as used in determining base quantities.

Unusual circumstances, as used in § 929.48(a)(3), shall include but not necessarily be limited to the taking of property under the power of eminent domain and also "Acts of God," such as an earthquake, seashore erosion, encroachment of sand dunes, saline contamination due to prolonged inundation, a forest fire, and any other circumstances which are beyond the grower's control and destroy the ability of a cranberry bog to produce cran-

berries to such an extent that the bog is found, in the judgment of the committee, to be permanently lost for commercial purposes. When a grower believes he has lost cranberry acreage due to "unusual circumstances" under the provisions of § 929.48, he shall apply and furnish information to the committee to sufficiently establish that "unusual circumstances" exist.

[34 FR 1304, Jan. 28, 1969]

§ 929.110 Transfers or sales of cranberry acreage.

(a) Sales or transfers of cranberry acreage shall be reported by the transferor and transferee to the committee, in writing, on forms provided by the committee. Completed forms shall be sent to the committee office not later than 30 days after the transaction has occurred.

(b) Upon transfer of all or a portion of a grower's acreage, the committee shall be provided with certain information on the forms it will provide to the parties. The transferor and transferee must provide the following information:

(1) Crop records for the acreage involved;

(2) Annual production and sales for each crop year on the acreage involved, either in total, or for each individual parcel; and

(3) Such other information as the committee deems necessary.

(c) Cranberry acreage sold or transferred shall be recognized in connection with the issuance of sales history as follows:

(1) If a grower sells all of the acreage comprising the entity, all prior sales history shall accrue to the purchaser;

(2) If a grower sells only a portion of the acreage comprising the entity from which prior sales have been made, the purchaser and the seller must agree as to the amount of sales history attributed to each portion and shall provide, on a form provided by the committee, sufficient information so that sales are shown separately by crop year. However, the sales history attributed to each portion shall not exceed the total sales history, as determined by the

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committee, for such acreage at the time of transfer.

[59 FR 36023, July 15, 1994]

§ 929.125 Committee review procedures.

Pursuant to § 929.48(c), growers may request, and the committee shall grant, a review of determinations made by the committee pursuant to § 929.48(a) and (b), in accordance with the following procedures:

(a) If a grower is dissatisfied with a determination made by the committee which affects him, he may submit to the committee within 30 days after he is notified of the determination, a request for a review by the committee of that determination, along with any materials which he feels are pertinent and a written argument if he so desires.

(b) The committee shall review its determination within a reasonable length of time taking into account all materials submitted by the grower in accordance with paragraph (a) of this section, and any other material which it deems pertinent. Thereupon, the committee shall make a redetermination, and notify the grower of its conclusions, accompanied by the reasons for its decision.

(c) If the grower is not satisfied with the subsequent decision of the committee, he may appeal, through the committee, to the Secretary, within 30 days after he is notified of the committee's findings. The committee shall promptly forward the entire file on the matter to the Secretary.

(d) The Secretary shall promptly review the decision of the committee as a result of its redetermination, and in doing so shall consider at least the following information:

(1) The complete file on the issue which was submitted by the committee in accordance with paragraph (c) of this section;

(2) Additional pertinent information submitted to the Secretary by the grower; and

(3) Additional pertinent information submitted to the Secretary by the committee.

(e) Upon completion of his review, the Secretary shall reach a decision with respect to the matter before him.

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He shall promptly notify all interested persons of his decision, and such decision shall be final.

[34 FR 1305, Jan. 28, 1969]

§ 929.142 Reserve.

(a) It is necessary and appropriate to establish and maintain a reserve in an amount not to exceed approximately one fiscal period's operational expenses to be used in accordance with the provisions of § 929.42 of the marketing agreement and this part, and

(b) Assessments collected for each of the fiscal periods ended July 31, 1963; July 31, 1965; July 31, 1966; and July 31, 1967, were in excess of expenses for such periods. The committee is hereby authorized to place excess funds in said reserve.

[28 FR 11052, Oct. 16, 1963, as amended at 32 FR 13253, Sept. 20, 1967. Redesignated at 44 FR 73011, Dec. 17, 1979]

§ 929.150 Transfer or assignment of sales history.

(a) If indebtedness is incurred with regard to the acreage to which the cranberries are attributed, and on which a sales history is established, the sales history holder may transfer or assign the sales history solely as security for the loan. During the existence of such indebtedness no further transfer or assignment of sales history by the sales history holder shall be recognized by the committee unless the lender agrees thereto: Provided, That a copy of such loan agreement or assignment shall be filed with the committee before any right expressed therein, with regard to the sales history, shall be recognized by the committee under this paragraph (a).

(b) This regulation shall not in any way be construed to affect the right of the Secretary of Agriculture to amend, modify or terminate this regulation, or the marketing order under which it is issued as provided by law.

[34 FR 705, Jan. 17, 1969, as amended at 59 FR 36023, July 15, 1994]

§ 929.151 Allotment transfers and disposition of the growers annual allotment certificate.

(a) Growers who transfer or receive the transfer of cranberries or allotment